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PROVISIONAL SUMMARY RECORD OF THE 46th MEETING

Held at Headquarters, New York,
on Tuesday, 23 July 1996, at 3 p.m.

President: Mr. GERVAIS (Côte d'Ivoire)

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The meeting was called to order at 3.30 p.m.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued) (A/51/203-E/1996/86)

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(d) HUMAN RIGHTS QUESTIONS (continued) (A/51/41, A/51/189; E/1996/22 and Add.1, E/1996/87; E/1996/L.18 and Add.1)

Mr. BIGGAR (Ireland), speaking on behalf of the States members of the European Union, of Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Poland and Romania, and of Iceland and Liechtenstein, expressed concern that the Organization's lack of resources was hampering the work of the Centre for Human Rights and of the various human rights mechanisms established by the Commission on Human Rights and the treaty bodies. The Centre was also experiencing increasing difficulty in conducting essential field operations, notably those in Burundi and Rwanda. Current efforts by the High Commissioner for Human Rights to restructure the Centre were in full conformity with the General Assembly decisions on the subject and would, it was hoped, increase its effectiveness to the extent necessary to offset the effects of the budgetary situation.

As the central mechanism for coordination, the Council had a crucial role in integrating the human rights of women into the mainstream of activities. There was a need to emphasize the human rights dimension of the Council's coordination work on gender issues and to develop training and other sensitization programmes on all human rights of women throughout the system.

Continuing grave violations of human rights worldwide were a matter of deep concern, as were efforts by some States to use the consensus achieved at Vienna as a pretext to prevent the proper examination by the international community of those situations. In that regard, the Union regretted the introduction by China

of a no-action motion on the draft resolution entitled "Situation of human rights in China" at the fifty-second session of the Commission and reiterated that, in line with the Vienna Declaration, an expression of concern about human rights violations in a country did not constitute interference in its internal affairs. While profoundly concerned at the persistence of human rights violations in China, the Union remained willing to continue its dialogue with the Chinese Government in that regard.

Concerning the human rights situation in the former Yugoslavia, the Union urged the Republika Srpska authorities to cooperate with and ensure the security of the international experts working at mass grave sites in Bosnia and Herzegovina, and it called upon all parties to the peace accords to fulfil their obligations to give the highest priority to safeguarding human rights. It fully supported the work of the International Tribunal, called for swift action by the Government of Croatia to safeguard the rights of the minority Serb population, and expressed its continuing grave concern about the treatment of ethnic minorities in Yugoslavia.

In view of the continued communal violence in the Great Lakes region of Africa, the Union supported the convening of a regional conference on peace, security and stability in that region under the joint aegis of the United Nations and the Organization of African Unity. It was particularly concerned about the deteriorating political and human rights situation in Burundi and called upon the Government of Burundi to fulfil the undertakings given at the recent Arusha Summit, particularly in regard to security assistance. It reaffirmed its willingness to help Burundi in its economic and social recovery and to continue funding the presence of United Nations human rights observers.

The Union also strongly supported the international human rights operation in Rwanda and the work of the International Criminal Tribunal. The bringing to justice of those responsible for the genocide was essential in order to end the culture of impunity and effect national reconciliation. All parties, including the Rwandan Government, had the legal obligation to cooperate fully with the Tribunal.

The continuing deterioration of the human rights situation in Myanmar was deeply troubling. The Union called again for the State Law and Order Restoration Council to release all political prisoners immediately and unconditionally. The United Nations Special Working Group on Arbitrary

Detention should visit Myanmar, and the aforementioned Council should enter into meaningful dialogue with Daw Aung San Suu Kyi and other representatives of pro-democracy groups and national minorities in order to bring about national reconciliation and democratic reform. The Union also expected a full and satisfactory explanation from the Myanmar authorities of the death in custody on 22 June 1996 of Mr. James Leander Nichols, who had served as Honorary Consul for several European States. It called for an investigation into Mr. Nichols's death by the Commission's Special Rapporteur on the situation of human rights in Myanmar.

The human rights situation and the resumption of hostilities in Chechnya were viewed with serious concern by the Union, which called in the strongest terms for an urgent end to the use of force, the reinstatement of the ceasefire and the resumption of negotiations.

Mr. GORELICK (Russian Federation) said that, in addition to the individual efforts of States to combat racism, the success of the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination depended on the effectiveness of the United Nations system. Special attention should be devoted to implementing measures that guaranteed the rights of the minorities most vulnerable to discrimination. The situation in Latvia and Estonia, where hundreds of thousands of Russian-speaking people were deprived of citizenship, was particularly troubling. There remained significant disparities between citizens and "non-citizens" in the enjoyment of political, social, economic and cultural rights. The United Nations Human Rights Committee had recommended that the Estonian authorities should review their national legislation and bring it into line with the International Covenant on Civil and Political Rights. The Government of Estonia had recently reversed a decision which would have deprived hundreds of thousands of permanent residents of Estonia of the possibility of ever obtaining legal status in that country. The reversal of that decision was largely due to the efforts of Russian diplomats working with the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe. His delegation urged the international community to continue to provide assistance in resolving the situation of Russian-speaking people in Latvia and Estonia.

The fifty-second session of the Commission on Human Rights had again demonstrated that there was a broad consensus, even on complex issues, including

the situation in Chechnya. The citizens of Russia, whatever their nationality, continued to perish in the conflict in Chechnya. Until a political settlement was reached, it was his Government's firm policy to meet all violations of the recently achieved ceasefire agreement with the appropriate response. His Government would pursue its dialogue with the United Nations High Commissioner for Human Rights to bring about the normalization of the situation in Chechnya.

Mr. ARDA (Observer for Turkey), speaking on agenda item 5 (b), reminded the Council that, owing to lack of resources, the publication of addenda 2, 3 and 4 to the report of the Special Rapporteur on contemporary forms of racism had been delayed, and the Commission had therefore had to defer its consideration of those addenda until its fifty-third session (E/1996/L.18, chap. II.A, resolution 1996/21).

Mr. LEE (Observer for the Republic of Korea) called for international cooperation for the realization of the right to development. While pleased that a cooperative atmosphere had prevailed at the fifty-second session of the Commission on Human Rights, his delegation believed that the Commission's agenda should be restructured in order to avoid the annual adoption of resolutions on the same topics. It fully supported the Commission's wish to appoint Ms. Linda Chavez as Special Rapporteur to conduct an in-depth study of violence against women during periods of armed conflict (E/1996/L.18, chap. II.B, decision 1996/107) and called upon the Council to endorse that appointment.

His Government welcomed efforts to expand the coordinating role of the High Commissioner for Human Rights and to reinforce the human and financial resources of the Centre for Human Rights. It would donate US$ 500,000 in office equipment and financial assistance to the Centre in 1996. It called for a more vigorous integration of human rights issues into the mainstream of the activities of the United Nations system.

Ms. TAMLYN (United States of America) expressed her delegation's concern that Burma's military regime had substantially increased its harassment of the democratic opposition in Burma. A meaningful political dialogue among the ruling generals, the National League for Democracy and the leaders of the ethnic minorities was called for in order to bring about the peaceful return of an elected civilian government in that country.

The United States strongly supported serious consideration of the human rights situation in Iran and urged the international community to speak out

against the widespread and systematic human rights abuses in that country, which included political and religious persecution. With regard to the situation in Burundi, her delegation called upon all parties to reject violence and to use the framework of the Arusha peace process to resolve the problems plaguing their country.

Her delegation welcomed the consensus adoption by the Commission on Human Rights of resolutions on the Sudan and the former Yugoslavia, along with an agreement to establish a human rights centre in Colombia. It looked forward to a meaningful reform of the Commission's agenda and noted with satisfaction the stronger emphasis on the mainstreaming of the human rights of women as a cross-cutting aspect of the Commission's investigating, reporting and implementing functions.

Mr. WANG Xuexian (China) welcomed the progress made at the fifty-second session of the Commission on Human Rights, as evidenced by the further attention given to mass and gross violations caused by foreign aggression and occupation as well as by neo-racism and xenophobia, the consensus adoption of the resolution on the right to development, and the criticism of the politicization of human rights issues. He called upon the Council to commend that progress. However, the Commission's emphasis on civil and political rights to the detriment of economic, social and cultural rights was regrettable. Moreover, some countries had pursued a double standard, turning a blind eye to human rights violations in their own countries while making unwarranted accusations against other countries. The resulting political confrontations, typified by a failed anti-China draft resolution, had seriously hampered the Commission's work and undermined international cooperation.

His delegation urged the Council to reform and rationalize the work of the Commission with an eye to ensuring the Council's continued efficiency into the twenty-first century. The Commission and the other United Nations human rights bodies should adhere to the purposes and principles of the Charter of the United Nations and carry out international human rights cooperation on the basis of equality and mutual respect. All human rights should be treated fairly and comprehensively, on the same footing and with the same emphasis. United Nations human rights bodies should give priority to issues of importance to the developing countries and promote the realization of economic, social and cultural rights and the right to development. More developing countries should

be admitted to membership in the Commission, thereby further rationalizing and democratizing its work.

His delegation categorically rejected the groundless accusations just made by the representative of the European Union against China and other developing countries on human rights issues. Such accusations were designed to use human rights concerns as a guise to exert pressure on China and other developing countries, which should be on their guard against such tactics.

Mr. USUI (Japan) expressed his delegation's support for the current restructuring of the Commission on Human Rights and the special attention being given to the right to development. The restructuring was an important part of the overall improvement of administrative and management functions necessary for strengthening United Nations activities in the field of human rights. Japan supported the efforts of the High Commissioner to promote human rights in such areas as Burundi, Rwanda and the former Yugoslavia, and it had contributed US$ 600,000 to the Centre for Human Rights in 1996 to assist in the return of refugees and internally displaced persons. Moreover, in view of the importance it attached to the Centre's provision of technical assistance to developing countries, Japan had increased its voluntary contributions to the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

Mr. REYES RODRIGUEZ (Observer for Cuba) endorsed the comments of the observer for Turkey regarding the report of the Special Rapporteur on contemporary forms of racism and urged the Council to ensure that the Special Rapporteur was provided with the funds necessary for him to carry out his mandate in full.

His delegation supported the work of the United Nations High Commissioner for Human Rights. During the fifty-second session of the Commission on Human Rights, informal consultations had been held on the possible restructuring of the human rights programme and on ways to eliminate politicization from the treatment of human rights issues. His delegation supported efforts for greater transparency and the consultations aimed at improving the Commission's work through the streamlining and rationalization of its many mandates, reports and resolutions. Resolutions could be grouped under general topics so as to reduce their number, and reports could be consolidated. His delegation supported the

resolutions and decisions adopted by the Commission at its fifty-second session and welcomed the emergence of a spirit of consensus in that body.

Ms. HOLIKOVA (Czech Republic) said that the Vienna Declaration had reflected the unanimous agreement of Governments to pursue a policy to combat racism, xenophobia, anti-Semitism and intolerance. It was now necessary to develop a strategy that took into account the vastly different situations in countries where the need to combat hostility and injustice was evident. Aware that the number of hate crimes directed against the Roma community was increasing, her Government had designed practical measures to ensure that the rights of national minorities were protected. Furthermore, it was financing a number of projects aimed at developing the cultures of national minorities. A key requirement in establishing a genuine culture of tolerance was undoubtedly education.

Mr. GUBAREVICH (Belarus) welcomed the spirit of consensus that had characterized the most recent session of the Commission on Human Rights and agreed with previous speakers on the advisability of reducing the number and volume of resolutions adopted by the Commission. Constructive dialogue between Governments was essential to the Commission's work. In that regard, informal mechanisms for the exchange of views between delegations aimed at improving the political atmosphere and overcoming confrontation should be encouraged.

His delegation supported the enhancement of the international monitoring of human rights and advocated a timely submission by States of reports on the implementation of the obligations they had assumed. For its part, his Government would continue to fulfil its obligations and to work together with United Nations special rapporteurs and human rights bodies.

Ms. SIBAL (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that General Assembly resolution 50/173 on the United Nations Decade for Human Rights Education: culture of peace encouraged Director-General of UNESCO to take all necessary action to ensure education for peace, human rights, democracy, international understanding and tolerance. Among the activities undertaken by UNESCO in that area were training programmes with the parliaments of El Salvador and Mozambique, aimed at reinforcing pluralism in civil society, and the elaboration of teaching materials on education for peace, human rights and democracy for secondary schools in Burundi, where seminars had also been organized for local government officials.

UNESCO was continuing its efforts to develop a comprehensive system of training and education for human rights and democracy through the establishment of professorships in several universities in Africa, Latin America, Asia, Europe and the Arab States.

One objective of UNESCO was to harmonize its efforts with those of the United Nations system and to coordinate action-oriented programmes in the area of education for human rights that went hand in hand with the promotion of tolerance, non-violence and democracy. Some delegations had proposed a special session of the General Assembly in 1999 devoted to an in-depth discussion of the culture of peace. If that proposal found acceptance among the States Members of the United Nations, UNESCO was anxious to take on any responsibilities which the General Assembly might assign it in that regard.

The PRESIDENT suggested that the Council should take note of the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination in document E/1996/83.

It was so decided.

The PRESIDENT suggested that the Council should take note of the report of the Secretary-General on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations in document A/51/212 and the report of the Secretary-General on assistance to the Palestinian people in document A/51/171-E/1996/75.

It was so decided.

The PRESIDENT suggested that the Council should take note of the report of the United Nations High Commissioner for Human Rights in document E/1996/87, the report of the Committee on Economic, Social and Cultural Rights on the twelfth and thirteenth sessions in document E/1996/22 and the report of the Committee on the Rights of the Child in document A/51/41.

It was so decided.

The PRESIDENT drew the Council's attention to the draft resolutions and decisions recommended for adoption in the excerpt from the report of the Commission on Human Rights on its fifty-second session in document E/1996/L.18 and the related statement of administrative and programme budget implications in document E/1996/L.18/Add.1.

Draft resolutions I to IV

Draft resolutions I to IV were adopted.

Mr. USUI (Japan) pointed out that the study prepared by the Special Rapporteur on the protection of the cultural and intellectual property of indigenous people, referred to in draft resolution IV, had already been published in all official languages in document E/CN.4/Sub.2/1993/28 of the Subcommission on Prevention of Discrimination and Protection of Minorities. His delegation urged the Secretariat to make use of the existing translations so as not to place additional demands on the United Nations budget.

Draft resolution V

Draft resolution V was adopted.

Draft decisions 1 to 3

Draft decisions 1 to 3 were adopted.

Draft decision 4

Mr. BIGGAR (Ireland), speaking in explanation of vote before the voting on behalf of the States members of the European Union, said that at the World Conference on Human Rights the Union had joined the consensus on the right to development as set out in the Vienna Declaration and Programme of Action. It was pleased that the Commission on Human Rights had adopted resolution 1996/15 on the right to development by consensus.

The Union fully supported the efforts of the High Commissioner to restructure the Centre for Human Rights, including through the establishment of a branch the primary responsibilities of which would include the promotion and protection of the right to development, as agreed by the General Assembly in its resolution 50/214. However, the draft decision ran counter to that resolution and was not in conformity with the restructuring being undertaken. Accordingly, the Union would vote against it.

At the request of the representative of Ireland made on behalf of the States members of the European Union, a recorded vote was taken on draft decision 4.

In favour: Argentina, Bangladesh, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Ghana, Guyana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South

Africa, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft decision 4 was adopted by 31 votes to 20.

Mr. USUI (Japan) said that his country would continue its practice of providing various kinds of assistance to heavily indebted countries. However, Commission on Human Rights resolution 1996/12 failed to reflect the agreed language on the subject and linked the problem of foreign debt with human rights questions for the purpose of alleviating the debt burden, an idea which his delegation could not accept. It had therefore voted against draft decision 4.

Draft decisions 5 to 16

Draft decisions 5 to 16 were adopted.

Draft decision 17

Mr. BIGGAR (Ireland), speaking on behalf of the States members of the European Union, said that the new Government of Guatemala had taken a number of encouraging steps to address the problems relating to long-standing violations of human rights. The negotiations on a comprehensive peace settlement also had made significant progress. The Union called on all parties to the peace process to redouble their efforts to conclude a comprehensive peace agreement which guaranteed the re-establishment of human rights.

The Union strongly believed that placing the security forces under full democratic control was essential in bringing about a climate in which all human rights could be restored. It called on the Government of Guatemala to implement a comprehensive policy against impunity, encompassing improvement of the administration of justice and the full cooperation of the armed forces with the judiciary. The independent expert and the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) performed separate but complementary roles. The Union supported the renewal of the independent expert's mandate and called on the Government to continue its

cooperation with the expert, whose assistance would remain crucial in promoting higher standards of human rights protection.

Ms. FUENTES ORELLANA (Observer for Guatemala) said that since 1986 Guatemala had become a party to approximately 45 international human rights instruments and other important instruments which were closely related to its ongoing process of reform.

The peace process was irreversible, and the final peace agreement between the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) would be signed on 15 September 1996. The process would have been impossible without the valuable assistance of the Governments of the Group of Friendly Countries. Extensive demobilization of the national armed forces, paramilitary officers (comisionados militares), and paramilitary groups was under way.

The recommendations of the independent expert had led to the adoption of legislation revising the Criminal Code, which now treated extrajudicial executions, forced disappearances and torture as crimes. Provisions which had discriminated against women had been declared unconstitutional. A new Code of Criminal Procedure and other legislation had been adopted, facilitating investigations and prosecutions of cases of impunity. With the assistance of the United Nations Development Programme and MINUGUA, training was being provided to facilitate the implementation of the new Code.

A national commission had been established to facilitate the return of Guatemalan refugees in Mexico, Honduras, Belize and Costa Rica, and formalities to that end had been simplified.

Her delegation welcomed the acknowledgement in Commission resolution 1996/59 of her Government's determination to consolidate respect for and the full enjoyment of human rights, democracy and the peace process. She wished to emphasize that the assistance which her Government received for the monitoring and verification of human rights was complemented by technical and financial cooperation designed to strengthen national capacities in the field of human rights.

The restoration of peace was a difficult and complex task requiring the cooperation of all sectors of civil society and economic assistance from the international community. Her Government estimated that the cost of financing the peace agreements with URNG would exceed $2 billion, for the purchase of land, road and housing construction, governmental reforms and modernization of

the legal system, the police and the army. The funds would be used for one-time and/or emergency projects, social development, modernization of the State and the development of production, which also required improved access to international markets for Guatemalan goods.

Her delegation was grateful for the assistance provided to her country in the field of human rights and for the work of MINUGUA and the independent expert. Her Government also was grateful that the Centre for Human Rights had accepted its invitation to send a mission to Guatemala. In conclusion, she said that proposals, solutions and projects in the field of human rights could contribute to the establishment of a just and equitable society only if they reflected the particular requirements and circumstances of the country concerned.

Draft decision 17 was adopted.

Draft decision 18

Draft decision 18 was adopted.

Draft decision 19

Mr. BIGGAR (Ireland), speaking on behalf of the States members of the European Union, said that the Union considered that Commission resolution 1996/65 ran counter to the spirit and language of Article 101 of the Charter of the United Nations and by implication called into question the dedication, professionalism and impartiality of the staff of the Centre for Human Rights. The geographical basis for the selection of United Nations staff should be considered over the system as a whole, and not simply in relation to a specific part of the system.

In the Commission on Human Rights, the Union had explained its objections to the provisions of Commission resolution 1996/65 relating to junior professional officers. Moreover, the heavy dependence of the Centre on such officers stemmed in part from the persistent lack of financial resources and the continued failure to transform temporary posts into permanent ones.

At the request of the representative of Ireland made on behalf of the States members of the European Union, a recorded vote was taken.

In favour: Argentina, Bangladesh, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Ghana, Guyana, India, Indonesia, Jamaica, Jordan, Lebanon, Malaysia, Nicaragua, Pakistan, Paraguay, Philippines, Senegal, South

Africa, Sudan, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: Australia, Belarus, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft decision 19 was adopted by 32 votes to 20.

Draft decision 20

Draft decision 20 was adopted.

Draft decision 21

At the request of the representative of the United States of America, a recorded vote was taken.

In favour: Australia, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Czech Republic, Egypt, Finland, France, Germany, Ghana, Greece, Guyana, India, Indonesia, Ireland, Jamaica, Japan, Jordan, Lebanon, Luxembourg, Malaysia, Netherlands, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, South Africa, Sudan, Sweden, Thailand, Togo, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Côte d'Ivoire.

Draft decision 21 was adopted by 49 votes to 1, with 2 abstentions.

Draft decision 22

Mr. REYES RODRIGUEZ (Observer for Cuba), speaking in explanation of vote before the voting, said that his delegation categorically rejected draft decision 22, which perpetuated a fraudulent exercise perpetrated by successive United States Governments against his country. Moreover, the Helms-Burton Act recently adopted by the United States Government was a criminal, immoral and illegal attempt to deprive an entire nation of the most basic necessities for survival, including food and medicine. It was deplorable that some of the

scarce resources of the United Nations were to be used to perpetuate a completely useless and untenable exercise.

His country deemed itself neither judged nor accused. It would continue on its historic path of independence with dignity and would continue to cooperate with the United Nations and those who promoted the enjoyment of human rights throughout the world on the basis of respect and equality.

At the request of the representatives of Ghana and India, a recorded vote was taken.

In favour: Australia, Bulgaria, Canada, Chile, Czech Republic, Finland, France, Germany, Greece, Ireland, Japan, Luxembourg, Netherlands, Nicaragua, Paraguay, Portugal, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Ghana, India, Indonesia, South Africa, Sudan, United Republic of Tanzania, Zimbabwe.

Abstaining: Argentina, Bangladesh, Belarus, Brazil, Central African Republic, Colombia, Côte d'Ivoire, Egypt, Guyana, Jamaica, Jordan, Lebanon, Malaysia, Pakistan, Philippines, Poland, Russian Federation, Thailand, Togo, Tunisia, Uganda, Venezuela.

Draft decision 22 was adopted by 20 votes to 8, with 22 abstentions.

Draft decision 23

Draft decision 23 was adopted.

Draft decision 24

Mr. BIGGAR (Ireland), speaking on behalf of the States members of the European Union, said that despite repeated condemnation by the international community, the systematic denial of human rights in Iraq continued, resulting in all-pervasive repression and oppression. The Union felt that the dispatch of a team of human rights monitors to Iraq would provide better information on the human rights situation in Iraq and help in independent verification of that situation. It called on the Government of Iraq to end all human rights violations and in particular to comply with Commission on Human Rights resolution 1996/72 and with the international human rights covenants to which Iraq was a party.

The Union hoped that the implementation of Security Council resolution 986 (1995) would alleviate the suffering of the Iraqi people, for which the Government of Iraq bore responsibility. It underlined the need for the Iraqi authorities to implement faithfully and thoroughly the plan for the purchase and distribution of food, medical supplies and other essential humanitarian supplies.

At the request of the representative of Egypt, a recorded vote was taken.

In favour: Argentina, Australia, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Finland, France, Germany, Ghana, Greece, Guyana, Ireland, Jamaica, Japan, Luxembourg, Netherlands, Nicaragua, Paraguay, Poland, Portugal, Romania, Russian Federation, Senegal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: None.

Abstaining: Bangladesh, Central African Republic, China, Côte d'Ivoire, Egypt, India, Indonesia, Jordan, Lebanon, Malaysia, Pakistan, Philippines, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Zimbabwe.

Draft decision 24 was adopted by 33 votes to none, with 18 abstentions.

Mr. AL-HITTI (Observer for Iraq) said that Iraq fully subscribed to the human rights principles enshrined in the Charter of the United Nations and in international conventions and treaties. Draft decision 24 was politically motivated and was not relevant to the issue of human rights in Iraq because it ignored the many measures of democratization which had been introduced by his Government, including free elections of the President and municipal officials and the amnesty granted to prisoners and some criminals. Iraq tried to strike a balance between the rights of prisoners and the protection of society, but the welfare of society had to come first.

The draft decision ignored the difficult situation faced by Iraq. Widespread poverty and hunger resulting from the blockade were causing an increase in crime. Through the imposition of sanctions, human rights were being violated by the very parties which were claiming to protect those rights. Instead of defending criminals who were a threat to society, those parties should condemn the genocide of Iraqi children, women and men, hundreds of

thousands of whom had died because of the economic blockade. The only solution was to lift the blockade so that life could return to normal, security and stability would prevail, and human rights would be strengthened. His delegation totally rejected the draft decision.

Mr. WISSA (Egypt) said that his Government called on the Iraqi Government to respect human rights and fundamental freedoms and immediately release all Kuwaiti prisoners. However, his delegation noted that there was a tendency to adopt double standards and become embroiled in issues that were irrelevant to the mandate of the Commission on Human Rights. In sending teams of human rights monitors, the views of the countries concerned must be taken into account. His delegation therefore abstained in the voting on the draft decision.

Ms. AL AWADHI (Observer for Kuwait), referring to the points raised by the representative of Iraq, said that the people of Kuwait had suffered for seven months during the Iraqi aggression against Kuwait and therefore sympathized with the suffering of the Iraqi people. Her delegation endorsed the request by the representative of Egypt that Iraq should release Kuwaiti and other prisoners languishing in Iraqi prisons.

Draft decision 25

Draft decision 25 was adopted.

Mr. WISSA (Egypt) said that his delegation reaffirmed the importance of respect for human rights and fundamental freedoms in all parts of the world; however, as it had already noted, there was a double standard within the Commission on Human Rights. Furthermore, the political and legal aspects of the dispatch of observers to monitor human rights situations had not been clarified. Egypt totally rejected interference in the internal affairs of any State and reaffirmed its consistent position against any action or measure which undermined the sovereignty of any State, including the Sudan, which should maintain good-neighbourly relations and respect human rights.

Mr. BIGGAR (Ireland), speaking on behalf of the States members of the European Union, said that the Union remained deeply concerned about the human rights situation in the Sudan, where continued serious human rights violations included summary executions, slavery and similar practices, torture and the denial of the freedoms of expression, association and peaceful assembly. The Sudanese Government must take immediate action to restore the human rights of

the population. Many violations of human rights continued to be committed in the context of the hostilities, and the Union called on the parties to the conflict to ensure full respect for humanitarian law. It urged the Sudanese Government to honour the commitments given to the Commission on Human Rights by cooperating fully with the Special Rapporteur in the discharge of his mandate. The Union felt that, at its fifty-third session, the Commission should take a positive decision on the question of the placement of human rights field officers to monitor the situation of human rights in the Sudan.

Ms. WAHBI (Sudan) said that the Sudan confirmed its commitment to the promotion and protection of human rights and fundamental freedoms as embodied in human rights instruments to which it was a party and in the Charter of the United Nations.

Under a national amnesty, all political detainees had been released. Her Government had signed a peace agreement with the rebel factions, which had shown a desire for peace and had given permission for a C-130 plane to deliver relief to affected areas in southern Sudan and areas controlled by the rebels.

The Sudan had established a committee to investigate all human rights violations brought to its attention by the international community and was following up all allegations of disappearances. It had extended an invitation to the Special Rapporteur on religious intolerance to investigate the situation in the Sudan and had undertaken to cooperate with him.

Her Government was fully aware that the conflict in southern Sudan was at the basis of many human rights violations. The attitude of the rebels was a significant factor. Her Government was making the utmost efforts to achieve peace in southern Sudan and called on all rebel factions to respond to its overtures and to regional peace efforts. Her Government was committed to the preservation of human rights and rejected the use of the concept to pursue political ends or for reasons of bilateral problems between States.

Rights of reply

Mr. LUKK (Observer for Estonia), said that his delegation had been surprised to find in the checklist of documents for agenda item 5 (d) a letter from the Permanent Mission of the Russian Federation to the United Nations referring to a memorandum on the situation of the Russian-speaking population in Estonia. It might be assumed that, if one country was going to raise an issue

concerning another country, the latter would be notified in advance; however, such diplomatic courtesies seemed to have been forgotten.

The accusations made in document A/51/189 had also been made in the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, which were well aware of the real situation in Estonia and had not found it necessary to discuss the allegations, recognizing their political motivation and the disregard of facts. The United Nations fact-finding mission which had visited Estonia in February 1993 had noted in paragraph 93 of its report (A/48/511) that no specific instances of discrimination, as such, had been observed. No claims of a worsening situation of the Russian-speaking population in Estonia had been made by foreign embassies in Estonia, the OSCE Mission or international experts.

As noted by the observers from OSCE and the Council of Europe, Estonia had made significant efforts to overcome the legacy of 50 years of Soviet occupation. It had never sought to become a monoethnic State. A number of laws had been adopted to provide better protection of individual human rights. There were no laws which placed restrictions on grounds of ethnicity, mother tongue or culture. Laws which concerned aliens had been drafted with the help of international experts.

It was regrettable that the Russian Federation was continuing to create an artificial atmosphere of conflict in Russian-Estonian relations, to spread confusion among Estonia's Russian-speaking population and in international organizations and to misuse human rights issues for geopolitical purposes. Estonia, on the other hand, was seeking to improve its relations with the Russian Federation. He called on the Russian Federation to avoid rhetoric and search for practical solutions in direct talks with his Government.

A comprehensive response to the allegations of human rights violations in Estonia would be given in a position paper to be circulated as an official document of the General Assembly.

Mr. SLOKENBERGS (Observer for Latvia) said that the Russian Federation had been making allegations about human rights abuses in Estonia and Latvia for four years, some based on falsehoods, and most unsupported by any facts. The allegations had continued despite the close involvement of the international community, including the United Nations, OSCE, the Council of Europe and individual Governments, in the processes of rebuilding that were under way in

Estonia and Latvia after 50 years of Soviet occupation. According to the assessment of the international community, his Government's human rights policies conformed with the accepted standards of international human rights law, and since the regaining of independence in 1991 there had been no gross or systematic violations of human rights in Latvia.

Mr. MALGNINOV (Russian Federation) said that the Russian Federation's position on the question of human rights in Estonia and Latvia had been described in detail in its earlier statement. His delegation had been surprised that the representative of Latvia had expressed the view that the discussion of human rights problems in a given country constituted an abuse of United Nations human rights machinery; at the current meeting, a number of delegations had made the point that the consideration of human rights situations did not constitute interference in the internal affairs of States.

The Latvian authorities themselves recognized that the situation in Latvia was not ideal. The acute problems faced by minorities, including the Russian-speaking population, must be remedied by the advisory committee set up by the Latvian Government for that purpose.

The representative of Estonia had indicated that human rights issues were important to his Government; his delegation hoped that that concern would be reflected in legislative activities and the policies of government bodies and ministries so as to ensure respect for the human rights of all persons living permanently in the territory of Estonia, regardless of their nationality. That would create a basis for the improvement of bilateral relations between the Russian Federation and Estonia, and between the Russian Federation and Latvia, to which his Government sincerely aspired.

Mr. REZVANI (Observer for the Islamic Republic of Iran) said that the United States delegation had once again taken up the Council's time to make antique and baseless allegations pertaining to so-called human rights violations in Iran. His delegation categorically rejected those allegations and strongly resented the provocative attitude of the United States delegation. The Council could not allow delegations to pursue extraneous political goals and exigencies by politicizing the human rights issue. It was clear that the United States delegation had not read the report of the Commission on Human Rights or the most recent reports of the Special Rapporteur and the thematic rapporteurs, all of which contradicted the United States allegations.

His delegation suggested that the United States Government should take steps to improve the human rights situation in its own society and find lasting solutions to racism and racial discrimination and in particular the degrading conditions of over 1 million persons in United States prisons, especially African American inmates. His delegation had reason to believe that the hostile attitude of the United States Government stemmed from the failure of the hegemonistic policies of the United States Government in the region and was designed for domestic consumption in an election year. The allegations were rooted in the arrogant nature of the United States Government and its military and non-military aggression against and suppression of other nations, which had been acknowledged worldwide.

His Government was honouring its international commitments to genuine human rights and would continue to defend Islamic ideals and values, including the primacy of human rights; it would not give in to exploitation and pressure.

Mr. AL-HITTI (Observer for Iraq) said that no prisoners or hostages were being held in Iraq. There were missing persons, as in all similar situations, but Iraq was cooperating fully with the International Committee of the Red Cross and progress was being made. Iraq participated actively in all technical committees set up for the purpose and responded to all requests from the Kuwaiti side. The issue of missing persons was humanitarian, not political, and Iraq had no interest in withholding information, which was supplied as it became available.

Ms. AL AWADHI (Observer for Kuwait) said that 625 Kuwaiti and non-Kuwaiti prisoners were being held by the Iraqi authorities and were being moved from one prison to another to conceal their whereabouts. The Iraqi statement revealed Iraq's intransigence, its desire to conceal all relevant data on Kuwaiti prisoners taken during the invasion of Kuwait, and its refusal to implement the relevant Security Council resolutions.

The meeting rose at 6.20 p.m.